

The Salisbury Planning Board held its regular meeting Tuesday, April 10, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Dr. Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Sandy Reitz, Jeff Smith, and Albert Stout

**ABSENT:** Karen Alexander, Valarie Stewart, Price Wagoner, and Diane Young

**STAFF:** Preston Mitchell, Diana Moghrabi, and David Phillips

Dr. Mark Beymer, Chair, called the meeting to order, welcomed guests and new planning board members, and offered the invocation. The minutes of the March 27, 2007, meeting were approved as published. The Planning Board adopted the agenda as submitted.

Staff welcomed Diane Young as Vice Chair and Dr. Beymer as Chair of the 2007-2008 Planning Board. This was the first meeting of the new term for members Richard Huffman, Craig Neuhardt, and Jeff Smith. (Jeff Smith is a former Co-Chair of the Planning Board.) The City Clerk swore in the new members taking the Oath of Office. (Karen Alexander has also been appointed to fill the seat left open by the resignation of Nathan Chambers.)

## **NEW BUSINESS**

### **A. ZONING MAP AMENDMENT**

**Z-03S-07: Leonard Schillaci, Petitioner**  
1020 & 1026 South Fulton Street  
**From:** R-6A (Multi-Family Residential) and BRT (Business Retail Trade) districts  
**To:** BRT-S (Special Business Retail Trade) district by permitting and limiting specific uses within the general BRT use listing.  
**T M&P:** 013-168, 013-169, & 013-170  
**Size:** Approximately 0.54 acres, encompassing 3 parcels

Dr. Mark Beymer read the explanation of a courtesy hearing.

Preston Mitchell explained *Special Use District Zoning* in his staff presentation. He said that it is identical to a general BRT district, except that a *Special Use Permit* is required and forever attached to the rezoning. Additional reasonable conditions can be added based on *findings of fact*. All who wished to speak were required to be sworn-in. (Shirley Hayostek, Andrew Pinter, Leonard Schillaci, and Preston Mitchell were duly sworn.) Ex-parte communications must be disclosed. (No one made disclosure.) Planning Board makes two recommendations to City Council—A map amendment and a special use (S-district) permit.

**Zoning Districts**

*Multi-Family Residential (R-6A):* The current zoning allows single-family, duplex, and multi-family residential, and does allow for some institutional uses and also typical accessory uses.

*General Business (B-RT):* Generally allows retail trade like restaurants, retail, and some auto-oriented uses.

**Code Requirements**

*Landscaping and Buffering* in the BRT against R-6A requires a D-buffer yard (20 feet) with complete visual separation against the R-6A.

*Setbacks* are 35 feet in the front, 5 feet on the side, 10 feet against the R-6A, 20 feet in the rear, with a maximum height of 35 feet. A nonconformity will be created if these three properties are rezoned as requested. You can knowingly rezone property and create a nonconformity as long as it is disclosed.

*Ground Sign:* Maximum 20-foot height; Maximum 50 square-foot ground sign; Maximum 1.6 square-foot wall sign.

**Strategic and Comprehensive Plans***2000 Plan*

Neighborhood commercial centers providing goods and services to a small neighborhood area are ideally clustered and must be located for convenience. Care should be taken to prevent unwanted encroachment and limit commercial uses to those not generating extensive market areas.

*2020 Plan*

Placement of neighborhood-convenient goods and services at corners or along neighborhood edges must be "pedestrian-scaled" for compatibility with surrounding neighborhood buildings. Preservation, rehabilitation, and adaptive re-use of older commercial properties shall be encouraged. Encourage redevelopment but ensure compatibility in size, scale, and context.

*Petitioned for BRT-S to remove the following uses:*

- Car Detailing, Car Rental, Auto Sales/Service
- Moped/Motorcycle Sales/Service
- Service/Filling Station including any repair work

All other uses in the B-RT district and those beginning in the B-1 district would be permitted. A list of uses was distributed to the Planning Board in their agenda packets.

**Public Comment**

**Shirley Hayostek** of 109 Ridge Avenue wanted to find out more about the use of the property behind her garage where she has been parking her vehicle. She had been under the impression that property she has been using to access her garage was community property. Mr. Schillaci told her that her garage extends one foot further than it should. Preston Mitchell said this appeared to be a private issue he would investigate the situation and discuss it with her at his office. Richard

Huffman said that, according to the architectural rendering provided by the developer, there is a 10-foot right-of-way that runs between the two property lines.

She added that she was in favor of Mr. Schillaci fixing up the properties proposed for rezoning.

**Andrew Pinter** of 320 Mitchell Avenue is president of the Fulton Heights Neighborhood Association. The neighborhood association is being cautiously optimistic about the plan and rezoning. They would like to see buildings put back to good use. These are the kind of things the neighborhood would like to see there. The plan fits well with the Salisbury Vision 2020 Comprehensive Plan. These are contributing structures to the National Historic District. The neighborhood supports retaining historic structures and their characteristics if feasible.

**Leonard Schillaci**, is the developer and a real estate broker; he distributed a presentation to the members of the Planning Board. This plan is not a new concept; it is an in-fill market and well-suited for the Fulton Heights area.

The house on these properties will be converted to professional office or "like kind." (Hair salon, coffee shop, boutique, etc.) The house and other structures are presently empty. Mr. Schillaci plans to rent the house until the project is underway. The vacant lot is critical to the project since there is limited street parking. He does have plans to convert the empty lot into a parking lot with about 17 spaces (page 4 of the handout).

#### Board Discussion

Sandy Reitz asked for reassurance that these properties are not located in the local historic district. There is nothing from the historic standpoint that would prevent this from happening. The National Historic District designation of Fulton Heights includes these properties as contributing structures.

**Robert Cockerl** stated that what he is hearing about the proposal sounds like a good fit for the neighborhood. He made a statement of consistency and MOTION for the map amendment. "The Planning Board finds and determines that rezoning petition Z-03S-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends approval." Albert Stout seconded the motion with all members voting AYE. (8-0)

**Jeff Smith** supported the project, along with the recommendation, and thinks it is very consistent, not only with Salisbury's 2000 Growth Plan, but also with the Salisbury Vision 2020 Comprehensive Plan—specifically regarding the older commercial area revitalization. He is a fairly new resident of Fulton Heights, and it fits with his vision of what moving into the neighborhood was about.

Mr. Smith offered a MOTION based on the following findings of fact:

The proposed use or development under Z-03S-07 will not materially endanger the public health or safety and will not substantially injure the value of adjoining or abutting property;

That the proposed use or development of the land is reasonably consistent with the strategic plan, comprehensive plan, and other official plans adopted by the city;

That the proposed use or development of the land will be visually and functionally compatible with the scale, bulk, coverage, and character of the area or neighborhood in which it is located.

Based on those findings of fact he would move that Planning Board recommend approval of Special Use Permit for Z-03S-07 for BRT-S with the following items removed BRT:

- Car Detailing, Car Rental, Auto Sales/Service
- Moped/Motorcycle Sales/Service
- Service/Filling Station incl. any repair work
- All other uses in the B-RT district and those beginning in the B-1 district would be permitted.

Tommy Hairston seconded the motion with all members voting AYE. (8-0)

## **COMMITTEES**

Copies of the new committee assignments were distributed to the members of the Planning Board. Dr. Beymer added members to the committees—everyone is assigned to either Legislative Committee A or B; to either the Rules of Procedure Committee or the Transportation Committee; and to either Committee 1, 2 or 3.

## **OTHER BOARD BUSINESS**

Sandy Reitz noticed an article in the Salisbury Post about a North Main Small Area Plan meeting with the residents at the City Park Recreation Center April 2. "Demolition by Neglect" legislation is being proposed for the Salisbury code. This term refers to the deterioration of a structure from lack of maintenance over time. For more information about demolition by neglect, contact Janet Gapen at 704-638-5230.

Richard Huffman asked about training for the Planning Board. Preston Mitchell responded by saying that new members will receive notebooks for their use, and there will be training sessions throughout the year. New members will also receive copies of the Salisbury Vision 2020 Comprehensive Plan.

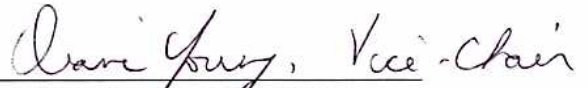
The zoning code is available on the Internet.

<http://www.salisburync.gov/lm%26d/zoning/Intro.html>

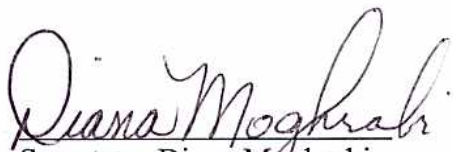
There being no further business to come before the Planning Board, the meeting was adjourned at 5:10 p.m.



Dr. Mark Beymer, Chair



Diane Young, Vice Chair



Secretary, Diana Moghrabi

